

REMARKS

Claims 1-28 are pending.

Response to Examiner's Response to Arguments

Page 2 of the instant Office Action includes a statement that "Flagg also teaches that a barrier between the layers (102, 108) can be created by [a] variety of configurations in any amount [of] space or separation." Applicants respectfully assert that this statement is incorrect. Flagg actually states: "While the layer 104 is shown as essentially a sheet or layer of material, a barrier between the layers 102, 108 can be created by a variety of configurations. For example, the layer 104 may comprise a number of distinct or separate strips of material positioned between the layers 102, 108. Therefore, the layer 104 may be interpreted as including any combination of one or more pieces of material positioned between the layers 102, 108 to create a space or separation between the layers 102, 108 ..." (column 6, lines 53-61). Flagg also states: "The layer 104 ... preferably has a thickness between 0.002 inches and 0.01 inches and has an optimal thickness of approximately 0.005 inches" (column 6, lines 49-53). Based on an entire reading of Flagg, Applicant respectfully submits that Flagg does not teach that a barrier between the layers (102, 108) can be created in any amount of space or separation, in contrast to the statement in the instant Office Action.

With regard to the Applicant's arguments filed on June 3, 2003, page 2 of the instant Office Action includes a statement that "Applicant argues that the references do not teach the use of [a] portable computer system with

all the elements contained in a housing." In fact, Applicant makes no such argument in the response filed on June 3, 2003. Instead, one of the arguments made by the Applicant is that the references do not show or suggest a user interface comprising a plurality of flexible layers of material in a stack coupled to a housing. Additional arguments are presented below.

103(a) Rejections

Claims 1-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thessin et al. ("Thessin;" US 5,452,299) in view of Flagg (US 6,445,378). Applicant has reviewed the cited references and respectfully submits that the present invention as recited in Claims 1-28 is not anticipated nor rendered obvious by Thessin and Flagg, alone or in combination.

Applicant respectfully agrees with the statement in the instant Office Action that Thessin does not disclose a user interface with flexible layers such that the movement of one or more the layers causes the display to change. Applicant respectfully asserts that Flagg does not overcome the shortcomings of Thessin.

With respect to independent Claims 1 and 11, Applicant respectfully submits that Flagg, alone or in combination with Thessin, does not show or suggest a computer system comprising a "user interface comprising a plurality of flexible layers of material coupled along an edge in a stack, wherein along another edge of said stack said layers are separable from

each other," nor does Flagg, alone or in combination with Thessin, show or suggest a method that comprises "detecting movement of one or more flexible layers of a user interface, wherein said user interface comprises a plurality of flexible layers of material coupled along an external edge of a stack, wherein along another external edge of said stack said layers are separable from each other." Figure 2 of Flagg shows a mouse pad in exploded view in which the various layers of the mouse pad are separated from each other; that is, none of the layers are coupled to each other. When assembled, the layers 100, 102 and 104 are bonded or connected together (column 6, line 34), essentially in a stack. However, Flagg, alone or in combination with Thessin, does not show or suggest that the layers of the mouse pad are connected along an external edge of the stack, leaving the layers free to be separated from each other along another edge of the stack, as recited in independent Claims 1 and 11.

With respect to independent Claim 21, Flagg (alone or in combination with Thessin) does not show or suggest "a user interface ... comprising a plurality of flexible layers of material in a stack coupled to said housing." The mouse pad of Flagg is coupled by a cable to the circuitry of a computer system. However, Flagg, alone or in combination with Thessin, does not show or suggest that the mouse pad is coupled to the housing of the computer system, as recited in independent Claim 21. The Examiner implies that the limitations recited in Claim 21 are shown by Thessin's teaching of a computer that includes a variety of microprocessors. Applicant respectfully submits that a computer that includes a variety of

microprocessors does not show or suggest "a user interface ... comprising a plurality of flexible layers of material in a stack coupled to said housing."

Therefore, Applicant respectfully submits that the Examiner's basis for rejecting Claims 1, 11 and 21 under 35 U.S.C. § 103(a) is traversed, and that Claims 1, 11 and 21 are in condition for allowance. Claims 2-10 are dependent on Claim 1; Claims 12-20 are dependent on Claim 11; and Claims 22-28 are dependent on Claim 21. Accordingly, Applicant also respectfully submits that the Examiner's basis for rejecting Claims 2-10, 12-20 and 22-28 under 35 U.S.C. § 103(a) is traversed, as these claims are dependent on allowable base claims and recite additional limitations.

Furthermore, independent Claims 1, 11 and 21 each recite "movement of one or more of said flexible layers," wherein movement of the flexible layers causes a change to a display. Claim 2 (dependent on Claim 1), Claim 12 (dependent on Claim 11) and Claim 22 (dependent on Claim 21) each recite that the movement of the flexible layers comprises separation of a first flexible layer from a second flexible layer. Thus, according to the embodiments of the present invention described by Claims 2, 12 and 22, it is the separation of the flexible layers that results in a change to the display. In other words, according to the present claimed invention, to "cause" an effect, the flexible layers are separated. Thessin and Flagg, alone or in combination, do not show or suggest this claimed feature. As noted above, the instant Office Action already states that Thessin does not disclose a user interface with flexible layers such that the movement of one or more the layers causes the display to change. Flagg, alone or in combination with

Thessin, only describes two layers being brought into contact with each other. That is, according to Flagg, to "cause" an effect, layers are brought into contact with each other. In fact, according to Flagg, the layers must be brought into contact with each other if Flagg's mouse pad is to function. Flagg, alone or in combination with Thessin, does not show or suggest layers being separated from each other in order to perform a function, as recited by Claims 2, 12 and 22. For these additional reasons, Applicant respectfully submits that Thessin and Flagg, alone or in combination, do not show or suggest the features recited by Claims 2, 12 and 22, and that the Examiner's basis for rejecting Claims 2, 12 and 22 under 35 U.S.C. § 103(a) is traversed.

Claims 5, 15 and 25 each recite specific instruments for detecting bending of a flexible layer according to various embodiments of the present invention. Thessin and Flagg, alone or in combination, do not show or suggest the limitations recited by Claims 5, 15 and 25. In particular, Thessin and Flagg, alone or in combination, do not show the limitations recited by Claims 5, 15 and 25 in combination with the limitations recited by independent Claims 1, 11 and 21, respectively. For these additional reasons, Applicant respectfully submits that Thessin and Flagg, alone or in combination, do not show or suggest the features recited by Claims 5, 15 and 25, and that the Examiner's basis for rejecting Claims 5, 15 and 25 under 35 U.S.C. § 103(a) is traversed.

According to the embodiments of the present invention described by Claims 6, 16 and 26, a change to a display is effected according to the order

in which the flexible layers are moved. Thessin and Flagg, alone or in combination, do not show or suggest this claimed feature. As noted above, the instant Office Action already states that Thessin does not disclose a user interface with flexible layers such that the movement of one or more the layers causes the display to change. Flagg only describes two layers coming into contact with each other in order to perform a function. In fact, Flagg specifically dictates that an upper layer of the mouse pad be brought into contact with a lower layer. Flagg states "in order to activate any of the switches in the mouse pad 56 corresponding to any of the button pads 58, 60, 62, 64, concentrated pressure or a downward operating force must be applied to the button pads 58, 60, 62, 64 ..." (column 4, line 64, through column 5, line 1; emphasis added). Thus, Flagg prescribes a specific order in which the layers are to be brought into contact with each other. One might argue that, according to Flagg, the function would still be performed if pressure is applied to the lower layer to bring it into contact with the upper layer. Such an argument only makes the point that, according to Flagg, the order in which the layers are brought into contact with each other does not matter, in direct contrast to the embodiments of the present invention described by Claims 6, 16 and 26. That is, according to the embodiments of the present invention described by Claims 6, 16 and 26, the order in which the flexible layers are separated effects the function being performed. For these additional reasons, Applicant respectfully submits that Thessin and Flagg, alone or in combination, do not show or suggest the features recited by Claims 6, 16 and 26, and that the Examiner's basis for rejecting Claims 6, 16 and 26 under 35 U.S.C. § 103(a) is traversed.

According to the embodiments of the present invention described by Claims 8, 18 and 28, a change to a display is effected according to the rate of movement of the flexible layers. Thessin and Flagg, alone or in combination, do not show or suggest this claimed feature. As noted above, the instant Office Action already states that Thessin does not disclose a user interface with flexible layers such that the movement of one or more the layers causes the display to change. Flagg only describes two layers coming into contact with each other in order to perform a function. According to Flagg, it is the contact between the layers that is significant, not the rate at which the two layers are brought into contact with each other. In contrast, according to the embodiments of the present invention described by Claims 8, 18 and 28, the rate of movement of the flexible layers effects the change in the display. For these additional reasons, Applicant respectfully submits that Thessin and Flagg, alone or in combination, do not show or suggest the features recited by Claims 8, 18 and 28, and that the Examiner's basis for rejecting Claims 8, 18 and 28 under 35 U.S.C. § 103(a) is traversed.

According to the embodiments of the present invention described by Claims 9 and 19, the user interface described by independent Claims 1 and 11, respectively, is coupled to the housing of a computer system. Thessin and Flagg, alone or in combination, do not show or suggest this claimed feature. As noted above, the instant Office Action already states that Thessin does not disclose a user interface with flexible layers such that the movement of one or more the layers causes the display to change. The mouse pad of Flagg is coupled by a cable to the circuitry of a computer

system. However, Flagg, alone or in combination with Thessin, does not show or suggest that the mouse pad is coupled to the housing of the computer system, as recited in Claims 9 and 19. For these additional reasons, Applicant respectfully submits that Thessin and Flagg, alone or in combination, do not show or suggest the features recited by Claims 9 and 19, and that the Examiner's basis for rejecting Claims 9 and 19 under 35 U.S.C. § 103(a) is traversed.

CONCLUSION

In light of the above remarks, Applicant respectfully requests reconsideration of the rejected Claims. Based on the arguments presented above, Applicant respectfully asserts that Claims 1-28 overcome the rejections of record and, therefore, Applicant respectfully solicits allowance of these Claims.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 11/5/03

WLC Zarpis

William A. Zarpis
Reg. No. 46,120

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060